



1943

File No. B. Wts. and
Measures/43
Legal Department
B BRANCH

Subject:— Governor's Bill No. 54 1941

A Bill to amend The Bombay
Weights and Measures Act.
1932.

(Amendment of S 22)

(Bomb. XII of 1943)

(Handwritten signature/initials)

File No. B. Wts. and Measures/43

1943

496-B

1.

Office of the R.L.A.

A revised draft Bill and a revised statement are sent herewith.

2. The object of the proposed legislation is to make it obligatory on the traders to produce for inspection before the inspectors all weights or measures or weighing or measuring instruments kept on any premises used for trade, whether such weights etc. are used or possessed for use for trade or not. The object can be best achieved by inserting a specific provision in section 22 empowering the inspector to require any trader or any agent or employee of such trader to produce for inspection all weights or measures or weighing or measuring instruments which are in his possession and are kept on any premises used for trade, whether such weights etc. are used or are in his possession for use for trade or not. The revised draft Bill provides accordingly for a new sub-section (1A) to be inserted in section 22 of the Bombay Weights and Measures Act conferring the necessary power on the inspectors. If any trader or his agent or employee fails to comply with the direction of any inspector under the proposed new sub-section (1A) he will be liable to the penalty provided

P.T.O.

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Office of the R.L.A.

In his letter of 6th July 1942 the Director of Industries states that the amendment of the Bombay Weights and Measures Act, 1932, is required to serve two objects, namely:-

(1) to make it illegal for the traders to keep on any trading premises unauthorised weights, measures, weighing or measuring instruments; and

(2) to make it compulsory for the trader to produce for inspection all the weights, measures etc. kept on any trading premises.

2. A revised draft Bill is sent herewith to achieve both the objects. The first object is achieved by the proposed amendments in the Explanation to section 34 of the Act. The second object is achieved by inserting a new Explanation as proposed in section 22 of the Act (read with section 39 of the Act.)

3. The draft Statement at page 79 is in order.

4. The subject matter of the Bill falls under entries 30 and 37 in the Provincial Legislative List under the Seventh Schedule to the Government of India Act, 1935. Under Executive Instructions the Bill requires the previous approval of the Governor General before enactment. Since the Bill does not relate to any entry in the Concurrent Legislative List it is not necessary

Contd.

to reserve it for the consideration of the Governor
General with reference to section 107(2) of the
Government of India Act, 1935.

Sd/-
P.N.M.

1/4.

Remembrancer of Legal Affairs.

U.R. to G.D.No. 2400, dated the 1st April
1943.

MM

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5.

No. 9075.

Legal Department,
Bombay Castle, 10th December 1943.

From

P.N. Moos, Esquire, Bar-at-Law, I.C.S.,
Secretary to the Government of Bombay;

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay
Weights and Measures Act, 1932.

Sir,

With reference to your memorandum No. 201(59) dated the 10th April 1942 addressed to the General Department on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bill to amend the Bombay Weights and Measures Act, 1932, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a),

(b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entries 30 and 37 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. Since the Bill does not relate to any entry in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

P.T.O.

4. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.
5. I also forward herewith one spare copy of the Bill.

Your obedient servant,

Sd/- P .N.M
8/12.

Secretary to the Government of Bombay,
Legal Department.

Through

The Secretary to the Government of Bombay,
Legal Department.

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11.

201(59)
Office of the Governor's Secretary,
Government House,
Bombay, 17th December 1943.

From
D.Symington, Esquire, C.I.E., I.C.S.
Secretary to the Governor of Bombay,

To
The Secretary to Government,
Legal Department, Bombay.

Subject:- Bill to amend the Bombay Weights
and Measures Act, 1932.

Sir,

With reference to your letter No. 9075,
dated the 10th December 1943, I am directed to
return herewith the copy of the Bill to ~~amend~~
the Bombay Weights and Measures Act, 1932, pre-
pared by His Excellency the Governor ~~and~~ under
paragraph (2) of the Proclamation, dated the
4th November 1939, issued by him under section
93 of the Government of India Act, 1935, and
to state that under the provisions of the
aforesaid paragraph His Excellency the
Governor is pleased to declare that he assents
to the Bill in the ~~name~~ of His Majesty.

Your obedient servant,
Sd/-
Secretary to the Governor of
Bombay.

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Acts.

Publication of the Bombay
Weights
and Measures (Amendment) Act, 1943.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 9360.
Bombay Castle, 28th December 1943.

Letter to the Secretary to the Governor, No.
9075, dated the 10th December 1943.

Letter from the Secretary to the Governor,
No. 201(59), dated the 17th December 1943.

*With reference to your letter No. 9075,
dated the 10th December 1943, I am directed to
return herewith the copy of the Bill to amend
the Bombay Weights and Measures Act, 1932 pre-
pared by His Excellency the Governor under para-
graph (2) of the Proclamation, dated the 4th
November 1939, issued by him under section 93 of
the Government of India Act, 1935, and to state
that under the provisions of the aforesaid paragraph
His Excellency ^{the} Governor is pleased to declare
that ~~he~~ assents to the Bill in the name of His
Majesty."

RESOLUTION.— The law should be published as
Bombay Act No. XII of 1943, in the Bombay Govern-
ment Gazette dated the 22nd December 1943.

2. The Act should be translated into
Marathi, Gujarathi, Kannada and Urdu and the
translations should be published in the Bombay
Government Gazette.

3. A copy of the Act should be forwarded to
the General Department.

By order of the Governor of Bombay,

Sd/- K.M.Chitnvis

21/12

P.N.Moos,
For
Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a
copy of the Act and with a request that 15 Gazette
copies of the Act may be forwarded to the Legal
Department),

The General Department

To

The General Department

*The Oriental Translator to Government (with a
The Secretary to the Bombay Legislative Assembly) copy of the
The Secretary to the Bombay Legislative Council.) Act.

* With five extra copies

MM

14/7.

27 472
Bombay Act No. ~~XII~~ 56 1943

GOVERNOR'S BILL NO. XIII OF 1943

~~An Act~~

~~A Bill to amend the Bombay Weights and Measures Act, 1932.~~

Bom. XV
of 1932.

WHEREAS it is expedient to amend the Bombay Weights and Measures Act, 1932, for the purpose hereinafter appearing ;

26 Geo. 5,
ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Weights and Measures (Amendment) Act, 1943. Short title.

Bom. XV
of 1932.

2. In section 22 of the Bombay Weights and Measures Act, 1932, after sub-section (1) the following new sub-section shall be inserted, Amendment of section 22 of Bom. XV of 1932.
namely :—

“(1A) Such Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights, or measures or weighing or measuring instruments which are in his possession and are kept on any premises used for trade, whether such weights or measures or weighing or measuring instruments are used or are in his possession for use for trade or not.”

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STATEMENT

Section 22 of the Bombay Weights and Measures Act, 1932 (Bom. XV of 1932), empowers Inspectors of Weights and Measures to inspect all weights and measures and weighing or measuring instruments, which are used or are in the possession of any person or are on any premises for use for trade and to verify them under the provisions of the Act. Under this section these Inspectors can also seize and detain weights, etc., regarding which an offence under the Act appears to have been committed or which appear to have been or which may be used for the commission of such offence, by entering the premises where they are used or kept for purposes of trade. There is, however, no provision in the Act, by which traders can be compelled to produce before the Inspectors all weights, etc., kept on premises used for trade for the purposes of verification whether such weights are used or possessed for use for trade or not. This lacuna in the Act enables unscrupulous traders to refuse to produce for inspection unauthorised weights used by them for their trade on the pretext that they are not used or possessed for the purpose of such trade and thus to evade the provisions of the Act.

It is, therefore, proposed to amend section 22 of the Act, so as to make it obligatory on traders to produce for inspection before the Inspectors all weights or measures or weighing or measuring instruments kept on any premises used for trade, except such as are exempted under section 46, whether such weights, etc., are used or are in their possession for use for trade or not.

True copy - Original papers being of bad
quality - Destroyed".

K. J. Melankar

Superintendent,
D. Branch, Legal Department.